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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,283	05/22/2000	Christopher P. Bergh	10235-047001	1521
26161 7590 02/20/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER LOFTIS, JOHNNA RONEE	
			ART UNIT	PAPER NUMBER
			3623	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/20/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/575,283	<b>Applicant(s)</b> BERGH ET AL.	
	<b>Examiner</b> Johnna R. Loftis	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a final office action upon examination of application number 09/575,283. Claims 29 and 39 have been amended. Claims 29-48 are pending and have been examined on the merits discussed below.

### ***Response to Arguments***

2. Applicant's arguments filed 10/10/06 have been fully considered but they are not persuasive. Applicant's argument regarding Griggs is unclear. Applicant references Examiner's assertion that Griggs teaches lead selectivity based on attributes of the user performing the search, however, the Griggs reference was introduced regarding the tracking of leads from inception to close. The user of Griggs to show this tracking is upheld in the rejections below.
3. Further, Applicant argues the claims as newly amended. Examiner upholds the use of Anderson to teach the limitations and has modified the previous rejections to account for Applicant's amendments. These new rejections are located below. Regarding these new amendments, Examiner asserts that Anderson teaches a sales agent specifying preferences reflecting the type of customer he would like to do business with. These specified preferences (or attributes) are then used to filter through customer records to find an acceptable lead for the sales agent.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 29-48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, US 6,078,892 in view of Griggs, "Give us leads! Give us leads!"

As per **claim 29**, Anderson et al teaches configuring a lead processing system, including accepting a specification of a plurality of users of the system (column 2, lines 54-59 – the agent submits preferences of the type of customer requested), and accepting a specification of a plurality of rules for determining at least one action of the lead processing system with respect to the users, wherein the plurality of rules includes rules being based on attributes of user relationships (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon product of interest, or preferences such as age range, location, sex, etc, inherently this information, i.e., age, location, sex, etc., reflects attributes of the users since the agent must specify their interest in working with clients holding these attributes; in addition at column 8, lines 1-6 the user can specify a max number of leads to be output from the search, this is also reflective of an attribute of the user); accepting at least one customer lead (column 8, lines 64-67 – the customer lead is selected); routing the at least one customer lead through the lead processing system in accordance with the rules (column 3, lines 17-39 – the customer leads are matched to the agent based on customer information and preferences set by the agent; column 7 – customer descriptive information is used to match the agent with the

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appropriate customer to pursue, this can be based on location, age, sex, type of business, etc.).

Anderson et al does not explicitly teach tracking and reporting an advancement of the at least one customer lead through the lead processing system. Griggs teaches the use of an automated lead-management system that allows one to track leads from its inception to close (page 2, paragraph 7). Since both Anderson et al and Griggs both teach a customer lead system wherein leads are routed through a system to the appropriate user, it would have been obvious to modify Anderson et al to include a tracking system. This would allow the user to create revenue and manufacturing forecasts and also to evaluate return on investment for different lead-generation programs.

As per **claim 30**, Anderson et al teaches the rules comprise prioritization rules for assigning a priority to a lead based on at least one attribute of the lead (column 5, lines 3-19, lines 45-55 – the customer information is scored and arranged by score so that the records having the highest score and thus are the most relevant appear first).

As per **claim 31**, Anderson et al teaches the rules comprise assignment rules for assigning the leads to one or more users (column 3, lines 17-39 – the customer leads are matched to the agent based on customer information and preferences set by the agent; column 7 – customer descriptive information is used to match the agent with the appropriate customer to pursue, this can be based on location, age, sex, type of business, etc.).

As per **claim 32**, Anderson et al teaches the rules comprise attachment rules for determining additional information to be attached to the leads prior to further routing of the lead (column 8, lines 49-67 – when the user accepts the lead, the additional customer information which was previously withheld is output).

As per **claim 33**, Anderson et al teaches the additional information comprises specifications of a product associated with the lead (column 7, lines 27-52, lines 53-65 – when matching the customer lead with an agent, the product information is taken into account).

As per **claim 34**, Anderson et al does not explicitly teach the additional information comprises documentation of a program to facilitate the sale of at least one of a product and service associated with the lead. Griggs teaches a script that is used to determine information from the lead to better evaluate the potential sale. Since both Anderson et al and Griggs teach a customer lead system wherein leads are routed through a system to the appropriate user, it would have been obvious to one of ordinary skill in the art to modify Anderson et al to include a program to facilitate the sale of the product or service associated with the lead. As taught in Griggs the benefit to having a rigid script is the ability to determine potential sales opportunities.

As per **claim 35**, Anderson et al teaches the rules comprise workflow rules for optimizing a flow of leads through the system to facilitate a rapid lead response and a high rate of lead closure (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon his/her own specified rules such as product of interest, or preferences such as age range, location, sex, etc; these rules are put into place to optimize the retrieval of information to ensure sales agents have an assurance that the information produced from the lead searches includes the best candidates for their products (column 1)).

As per **claim 36**, Anderson et al teaches a particular user selects at least one rule to be applied to that user (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon his/her own specified rules such as product of interest, or preferences such as age range, location, sex, etc).

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As per **claim 37**, Anderson et al does not explicitly teach tracking and reporting an advancement of the at least one customer lead includes generating at least one performance report comprising a metric of performance of at least one of: (i) a source of the leads, and (ii) at least one of the users. Griggs teaches the use of an automated lead-management system that allows one to track leads from its inception to close (page 2, paragraph 7). While the lead is tracked, one user indicated they determined 91.5% of leads given are contacted (page 3, paragraph 15; this inherently shows performance of at least one of the users being reported). The information collected is useful in evaluating return on investment. Since both Anderson et al and Griggs teach a customer lead system wherein leads are routed through system to an appropriate user and tracked, it would have been obvious to modify Anderson et al to include reporting performance data to help improve return on investment.

As per **claim 38**, Anderson et al teaches the use of a marketing database where the lead information is gathered, but does not explicitly teach the source of the leads includes a marketing campaign. Griggs teaches customer leads resulting from marketing department's advertising and trade show efforts (page 2, paragraph 3). Since Anderson et al teaches a marketing database, it would have been obvious to one of ordinary skill to gather customer information from a marketing campaign as taught in Griggs since those leads would be the core prospect for upcoming new business.

As per **claims 39-48**, they are the system for implementing the method of claims 29-38. Since both Anderson et al and Griggs teach a computerized system for lead optimization/generation, claims 39-48 are rejected in the same manner as claims 29-38 above.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thornton, US 5,883,940 – interactive method and apparatus for the generation of leads

Johnson et al, US 6,067,525 – integrated computerized sales force automation system

Thornton, US 6,097,792 – interactive method and apparatus for the generation of leads

Wilkins et al, US 6,868,389 – internet-enabled lead generation

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.



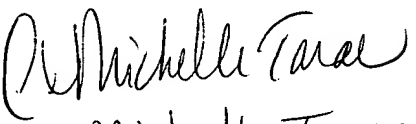
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL  
2/8/07



  
C. Michelle Tarne  
Primary Patent Examiner  
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